

NOTICE OF FILING AND REQUESTS FOR COMMENTS

D.T.E. 04-72

Petition of the Massachusetts Municipal Association for reaffirmation of railroad crossing whistle bans in the municipalities of Ayer, Belmont, Beverly, Chelsea, Everett, Gloucester, Hamilton, Ipswich, Lincoln, Manchester-by-the Sea, Medford, Melrose, Newburyport, Norfolk, Reading, Revere, Somerville, Wakefield, Waltham, Wenham, and Weston.

On July 22, 2004, the Massachusetts Municipal Association (“MMA”) filed a petition with the Department of Telecommunications and Energy, pursuant to G.L. c. 160, § 139, seeking a reaffirmation of existing railroad whistle bans in the communities of Ayer, Belmont, Beverly, Chelsea, Everett, Gloucester, Hamilton, Ipswich, Lincoln, Manchester-by-the Sea, Medford, Melrose, Newburyport, Norfolk, Reading, Revere, Somerville, Wakefield, Waltham, Wenham, and Weston (“Whistle Ban Communities”). The MMA’s petition states that the Massachusetts Bay Transportation Authority, which operates commuter rail service in the Whistle Ban Communities, is unable to locate documentation that resulted in the implementation of whistle bans at affected railroad crossings.

Any persons wishing to submit written comments on this petition should file as follows: an original with Mary L. Cottrell, Secretary; one (1) copy with the Hearing Officer, John J. Geary; one (1) copy with John Cope-Flanagan, Senior Counsel, Legal Division; and one (1) copy with Brian Cristy, Director, Transportation Division. The original and copies should be delivered to the Department of Telecommunications and Energy, One South Station, Boston, Massachusetts 02110, not later than the close of business (5:00 p.m.) **Friday, August 27, 2004**. Written comments also are to be delivered to the MMA, 60 Temple Place, Boston, Massachusetts 02111.

All comments also must be submitted to the Department in electronic format using one of the following methods: (1) by e-mail attachment to dte.efiling@state.ma.us and john.geary@state.ma.us or (2) on a 3.5" disk, IBM-compatible format. The text of the e-mail or the disk label must specify: (1) the docket number of the proceeding (D.T.E. 04-72),

(2) name of the person or company submitting the comments, and (3) a brief descriptive title of the document. The electronic filing should also include the name, title, and telephone number of a person to contact in the event of questions about the filing. Text responses should be written in either Word Perfect (naming the document with a “.wpd” suffix), in Microsoft Word, (naming the document with a “.doc” suffix) or as an Adobe PDF file (naming the document with a “.pdf” suffix). Data or spreadsheet responses should be compatible with Microsoft Excel. All comments submitted in electronic format will be posted on the Department’s Website, <http://www.mass.gov/dpu>.

A copy of the MMA’s filing is on file at the Department's offices, One South Station, Boston, Massachusetts for public viewing during business hours. Copies also are on filing for public viewing at the office of the Massachusetts Municipal Association, 60 Temple Place, Boston, Massachusetts. Any person desiring further information regarding MMA’s filing should contact Matthew Feher at 617-426-7272. Any person desiring further information regarding this notice should contact John J. Geary, Hearing Officer, Department of Telecommunications and Energy, at (617) 305-3500.

By Order of the Department,

Mary L. Cottrell, Secretary

ORDER OF NOTICE

D.T.E. 04-72

Petition of the Massachusetts Municipal Association for reaffirmation of railroad crossing whistle bans in the municipalities of Ayer, Belmont, Beverly, Chelsea, Everett, Gloucester, Hamilton, Ipswich, Lincoln, Manchester-by-the Sea, Medford, Melrose, Newburyport, Norfolk, Reading, Revere, Somerville, Wakefield, Waltham, Wenham, and Weston.

The Massachusetts Municipal Association (“MMA”) is required to serve a copy of this Notice upon the chairmen, boards of selectmen, town clerks, city clerks, and mayors of the following communities: Ayer, Belmont, Beverly, Chelsea, Everett, Gloucester, Hamilton, Ipswich, Lincoln, Manchester-by-the Sea, Medford, Melrose, Newburyport, Norfolk, Reading, Revere, Somerville, Wakefield, Waltham, Wenham, and Weston; the General Manager of the Massachusetts Bay Transportation Authority; and to any person who has filed a request for notice with the MMA no later than **Friday, August 13, 2004**. In addition, the MMA is required to publish this Notice in either The Boston Globe or Boston Herald not later than **Friday, August 13, 2004**. The MMA is required to make return of service at the close of the comment period.

By Order of the Department,

Mary L. Cottrell, Secretary

